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9 Attorney for Defendant:  
10 STEVEN VARGEM

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

20 UNITED STATES OF AMERICA,  
21 Plaintiff,  
22  
23 v.  
24 STEVEN LEE VARGEM,  
25  
26 Defendant.

CASE NO.: CR 10-00729 ED

STIPULATION RE: JOINT REQUEST  
FOR WAIVER OF PRE-TRIAL  
STATEMENT

PTC: May 21, 2012  
Time: 1:30 p.m.

17  
18 The parties, by and through undersigned counsel, stipulate to the following facts:

- 19 1. There is a pretrial conference set in this matter on May 21, 2012.  
20 2. The parties have been diligently working to complete a set of stipulated facts for a bench  
21 trial in this matter. The document will include a written waiver of right to a jury trial and  
22 defendant's right to cross-examination, call witnesses and testify on behalf of himself.  
23 3. The parties expect to finalize the document the morning of May 21, 2012 in time to give  
24 the Court an update at the afternoon appearance.  
25 4. Therefore the parties jointly request that the Court waive the local rule requirements for  
26 filing a pre-trial conference statement.  
27 5. The parties do intend to file separate trial briefs addressing the stipulated facts, if and  
28 when they become finalized.

1 6. If these diligent efforts fail by the time of the afternoon court appearance the parties will  
2 jointly request that the court vacate the trial dates set to begin June 4, 2012 and reset the  
3 pretrial conference and trial dates.

4 **SO STIPULATED.**

5 Date: May 18, 2012

Date: May 18, 2012

6 /s/ Donald Kilmer

/s/ Carolyne A. Sanin

7 For the Defendant

For the United States

9 **ATTESTATION**

10 I, Donald Kilmer, declare under penalty of perjury under the laws of California and the  
11 United States that I have in my possession e-mail correspondence from the United States  
12 Attorney's Office that the content of this document is acceptable to all persons required to sign  
13 the document. I declare that this document was signed in San Jose, CA on May 18, 2012.

14 /s/  
15 Donald Kilmer of  
16 Law Offices of Donald Kilmer, APC  
17 for the Defendant

18 **ORDER.**

19 The local rule requiring pre-trial conference statements is waive for the parties'  
20 appearance on May 21, 2012.

21 Date: 5/21/2012

22   
23 United States District Judge